

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

v.

JOVAN VAVIC,

Defendant

No. 19-cr-10081-IT

**GOVERNMENT'S MOTION FOR LEAVE TO FILE
NOTICE OF SUPPLEMENTAL AUTHORITY**

The government respectfully moves for leave of Court¹ to file the attached notice of supplemental authority in opposing defendant Jovan Vavic's motion to dismiss, or in the alternative, to suppress the consensual wiretap recordings. *See* Dkts. 901, 902, 969, 1003. The defendant's motion is based on the government's purported failure to disclose exculpatory evidence, specifically, a fax cover sheet showing that on September 28, 2018, the FBI faxed William "Rick" Singer's consent to wiretap his telephone to AT&T.

Relying on arguments similar to those raised in Vavic's motion, the defendants in a related case moved for judgment of acquittal and a new trial based on the purportedly exculpatory fax cover sheet. *See United States v. Abdelaziz*, No. 19-10080-NMG, Dkt. 2412 at 14–20. The government opposed that motion. *See id.*, Dkt. 2424 at 53–57.

On December 21, 2021, the *Abdelaziz* court denied the defendants' motion. *See id.*, Dkt. 2489 (Attached to Notice of Supplemental Authority as Exhibit A). The court discussed the fax cover sheet at length, holding that it was "neither material nor exculpatory," and concluding that

¹ See, e.g., *Mullane v. Morrissey*, No. 1:19-CV-10729-IT, 2020 WL 1169386, at *4 (D. Mass. Mar. 11, 2020) (granting motion for leave to file notice of supplemental authority); *Dahhan v. OvaScience, Inc.*, No. 1:17-CV-10511-IT, 2018 WL 3429901, at *3 (D. Mass. July 16, 2018) (striking notice of supplemental authority because party did not seek leave of Court).

the defendants' argument "that there were periods of unlawful surveillance is belied by relevant evidence introduced at trial and by the fax cover sheets themselves." Ex. A at 9–14.

The government respectfully submits that the court's decision in *Abdelaziz*, while not controlling authority, may assist the Court in resolving defendant Vavic's motion. Accordingly, the government requests leave of Court to file the attached notice of supplemental authority.

Respectfully submitted,

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By: /s/ Leslie A. Wright
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CERTIFICATE OF SERVICE

I hereby certify that this document was filed through the ECF system and will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

/s/ Leslie A. Wright
LESLIE A. WRIGHT
Assistant United States Attorney